

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BOWLIN TRAVEL CENTERS, INC. d/b/a
BOWLIN'S GREAT OUTDOOR ADVENTURE,
INC., a Nevada corporation, and THE AMERICAN
INSURANCE COMPANY, a Nebraska company,

Plaintiffs,

vs.

Civ. No. 01-1035 LFG/WWD ACE

FARMER BROTHERS, CO.,
Defendant

vs.

RANCO, INCORPORATED,

Third Party Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Defendant's Motion to Compel Discovery from Plaintiffs (Docket # 46) filed June 26, 2002. The responses to the interrogatories and requests for production in question were originally due on April 28, 2002; however this time was extended until May 14, 2002, at which time Plaintiff Bowlin Travel Centers, Inc. (hereinafter "Bowlin"), served its responses. Plaintiff The American Insurance Company (hereinafter "American") sent unexecuted discovery responses to Defendant on July 3, 2002, long after the responses were due. This delay on the part of American which may still be ongoing insofar as service of properly executed responses is concerned, is such that they have waived any right to object to the sought discovery. The motion before the Court seeks an Order compelling all production sought from American and certain discovery from Bowlin. The motion to compel will be granted in its entirety against American.

Defendant seeks full responses or production in connection with the following Bowlin responses, to wit: Interrogatory No. 8 and Request No. 4; Interrogatory No. 15 and Request No. 9; Request No. 17; and Interrogatory No. 21.

Interrogatory No. 8 and Request No. 4.

The information and documents sought here are in connection with coffee maker operation and maintenance including certain service manuals. The objections that the discovery sought is overly broad and unduly burdensome are not well taken and will be overruled. Bowlin shall produce the materials sought and shall respond fully to the interrogatory.

Interrogatory No. 15 and Request No. 9.

The information and documents sought here are in connection with insurance claims related to the fire on Bowlin's premises. The objections that the discovery sought is overly broad and unduly burdensome are not well taken and will be overruled. Bowlin shall produce the materials sought and shall respond fully to the interrogatory.

Request for Production No. 17.

No further production will be ordered at this time; however, if necessary the matter may be revisited.

Interrogatory No. 21.

This interrogatory seeks certain information about the location and management of Bowlin's travel centers. The objections that the discovery sought is overly broad and unduly burdensome are not well taken and will be overruled.

The discovery sought and directed to be produced above shall be served on Defendant on or before September 13, 2002.

Discovery shall proceed in accordance with the foregoing.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE